

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE HECKMANN CORPORATION
SECURITIES LITIGATION

Case No. 1:10-cv-00378-LPS-MPT

CLASS ACTION

DECLARATION OF KENNETH J. NACHBAR

Pursuant to 28 U.S.C. § 1746, Kenneth J. Nachbar, hereby declares:

1. I am a Member of the Bar of the State of Delaware and a Member of Morris, Nichols, Arsht & Tunnell LLP (“MNAT”). I submit this declaration in support of the Joint Opposition to the Plaintiff’s Motion for Leave to Serve Process By Alternative Means, dated August 29, 2011 (the “Joint Opposition”). This declaration is based on my personal knowledge.

2. In May 2009, Mr. Xu Hong Bin retained MNAT to represent him as Delaware counsel in a civil lawsuit against Heckmann Corporation (“Heckmann”) concerning his ownership of certain shares of Heckmann Common Stock. I was the lead attorney from MNAT handling the matter.

3. On June 1, 2009, Mr. Xu, by and through his attorneys, commenced a lawsuit against Heckmann and certain of its officers and directors in the Delaware Court of Chancery, in a matter entitled Xu, et al. v. Heckmann Corp., et al., C.A. 4637-CC (the “Delaware Chancery Action”).

4. On or about April 3, 2011, the parties to the Delaware Chancery Action reached a global resolution of all claims and entered into a settlement agreement containing mutual releases.

5. On April 26, 2011, the parties to the Delaware Chancery Action entered into a stipulation, pursuant to Court of Chancery Rule 41(a)(1)(ii), to dismiss the Delaware Chancery Action and all claims asserted therein with prejudice.

6. With the termination of the Delaware Chancery Action, my representation of Mr. Xu ceased. Since that time, neither I nor any other attorney from MNAT has represented Mr. Xu in any matter, nor performed any legal services on his behalf.

7. At no time during MNAT's representation of Mr. Xu did I or anyone else from MNAT have any direct communications with Mr. Xu. Since the termination of the Delaware Chancery Action, neither I nor anyone from MNAT has had any communications with Mr. Xu.

8. I am unaware of whether Mr. Xu has knowledge of Plaintiff's Motion for Leave to Serve Process By Alternative Means, dated August 15, 2011.

Dated: Wilmington, Delaware
August 26, 2011



KENNETH J. NACHBAR